Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM J. BAER, I-MING KAO, PEDRO JACOB, JR, JANET L. MURRAY, DEIDRA S. PICCIANO and JERRY D. ROBERTSON

Appeal No. 2002-2332
Application 09/220,293

ON BRIEF

Before THOMAS, HAIRSTON and JERRY SMITH, Administrative Patent Judges.

JERRY SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 1-9. Claims 10-31 have been allowed by the examiner.

The disclosed invention pertains to a flexibly adaptable asset management system with read-write capability features for processing and manipulating assets. An asset of the invention is defined to be a set of related data, or meta data, for a document or an object and/or the actual data itself. The assets may represent, for example, data in the form of text, full-motion video, audio, graphics or images.

Representative claim 1 is reproduced as follows:

1. A flexibly adaptable asset management system for deploying asset management functions to a client application for manipulating assets, representing data, in a data store, and for adaptively mapping between the assets and the data store, the system comprising:

an asset manager server disposed between the client application and the data store, the asset manager server including:

at least one client adapter for providing interface functions between the client application and the asset manager server; and

at least one schema adapter for mapping the assets to the data stored in the data store and for transferring the data to and from the data store in response to methods invoked in the at least one client adapter of the client application,

wherein, the at least one schema adapter is flexibly adaptable, thereby allowing the system to do one or more of handle different asset types and handle additional client applications.

The examiner relies on the following references:

Mullins	5,857,197	Jan. 05, 1999 (filed Mar. 20, 1997)
Ludwig et al. (Ludwig)	6,006,230	Dec. 21, 1999 (filed Jan. 29, 1997)

Claims 1-5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by the disclosure of Mullins. Claims 6-9 stand rejected under 35 U.S.C. § 103(a). As evidence of obviousness the examiner offers Mullins in view of Ludwig.

Rather than repeat the arguments of appellants or the examiner, we make reference to the briefs and the answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejections advanced by the examiner and the evidence of anticipation and obviousness relied upon by the examiner as support for the rejections. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellants' arguments set forth in the briefs along with the examiner's rationale in support of the rejections and arguments in rebuttal set forth in the examiner's answer.

It is our view, after consideration of the record before us, that the evidence relied upon does not support either of the rejections made by the examiner. Accordingly, we reverse.

We consider first the rejection of claims 1-5 under 35 U.S.C. § 102(e) as being anticipated by the disclosure of Mullins. Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

With respect to sole independent claim 1, the examiner indicates how he reads the claimed invention on the disclosure of Mullins [answer, page 4]. Appellants argue that Mullins only teaches reading data from a data store, but not writing data to a data store. Appellants argue that the claimed phrase "transferring the data to and from the data store in response to methods invoked in the at least one client adapter of the client application" requires that data be written into the data store as

well as read from the data store [brief, pages 5-8]. The examiner responds that the phrase quoted from claim 1 above does not necessarily encompass a writing capability. The examiner finds that the phrase is broad enough to include the mere querying of the data store [answer, pages 8-10].

We will not sustain the examiner's rejection of independent claim 1. We agree with appellants that to transfer data from one location to another location, as disclosed in appellants' specification, should be construed to mean that the data of the one location is written into the another location as argued. The examiner's position would mean that the mere querying of a data store as to whether it contained some specific data would constitute a transfer of that specific data to the memory. We agree with appellants that the artisan would not consider such a query of a data store to constitute a transfer of any data to the data store. Therefore, we find that the examiner's interpretation of the claims on appeal is incorrect. Since each of the claims on appeal recites that data is transferred to and from the data store, which requires that data be written into the data store, and since Mullins does not write data into the data store as recited in the claims, we do not

sustain the anticipation rejection of any of the claims on appeal.

Even if we were to sustain the rejection of independent claim 1, appellants have separately argued the dependent claims. The examiner has ignored appellants' arguments in support of the separate patentability of the dependent claims. Therefore, we would still not sustain the examiner's rejection of the dependent claims because the examiner has failed to respond to appellants' arguments with respect to these claims.

We now consider the rejection of claims 6-9 under 35 U.S.C. § 103(a) as being unpatentable over the teachings of Mullins in view of Ludwig. Since Mullins is deficient for reasons noted above, and since Ludwig does not overcome the deficiencies of Mullins, we also do not sustain the examiner's rejection of claims 6-9.

In summary, we have not sustained either of the examiner's rejections of the claims on appeal. Therefore, the decision of the examiner rejecting claims 1-9 is reversed.

REVERSED

JAMES D. THOMAS)
Administrative Patent Judge)
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KENNETH W. HAIRSTON) BOARD OF PATENT
Administrative Patent Judge) APPEALS AND
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JERRY SMITH)
Administrative Patent Judge)

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Sughrue Mion, PLLC
1010 El Camino Real, Suite 300
Menlo Park, CA 94025